



# Home Improvement CONTRACTOR LAW

Your blueprint to consumer protection.

## TABLE OF ACTIVITIES REQUIRING (OR NOT REQUIRING) EITHER A CONSTRUCTION SUPERVISOR (CSL) LICENSE AND/OR A HOME IMPROVEMENT CONTRACTOR (HIC) REGISTRATION AND BUILDING PERMIT - MAY 2005

CAUTION: This Table should be treated as an “open-ended” list subject to change, addition and/or deletion depending on Legislative changes or court and/or regulatory interpretations, etc. - This Table and footnotes are not a substitute for applicable Law or Regulations but are provided as a courtesy

NOTES TO TABLE

(780 CMR is the Massachusetts State Building Code) - MAY 2005

- 1- Unless a homeowner of a new construction 1 or 2 family detached dwelling chooses to utilize the Construction Supervisor Exception for the Homeowner (780 CMR, Chapter 1, Section 108), then a Licensed Construction Supervisor or Mass-registered Architect or Mass-licensed Professional Engineer is required to apply for the Building Permit.  
A building containing three (3) or four (4) dwelling units would require the oversight services of a Massachusetts-Registered Architect (MGL c.112 § 60L) rather than a Construction Supervisor License when such building is of 35000 cubic feet or greater.  
The HIC Program is not applicable for new construction homes (MGL c.142A, generally)  
A Homeowner, performing his/her own work, governed by MGL c.142A (HIC Law), on his/her existing one (1) to four (4) Family residential building does not need an HIC Registration (the Homeowner may need a Licensed Construction Supervisor - see 1st paragraph above) but if said Homeowner contracts with another, that other person needs HIC Registration and may also need a Construction Supervisor License.
- 2 For additions to existing 1-4 family, owner-occupied residential buildings, and/or building permissible renovations to such dwellings, MGL c.142A, § 2 requires that the HIC Contractor and not the Homeowner, “obtain all necessary permits...”. That person or entity serving as the Contractor (the person who owns or operates a contracting business), who, through himself, or others undertakes, offers to undertake, ...residential contracting, must possess the HIC Registration - the HIC Registrant may be different than the Licensed Construction Supervisor.
- 3 Building permissible work is any work for which a Building Permit is required by 780 CMR - generally, for an existing, owner-occupied residential dwelling of up to 4 units, building permissible work would require both a CSL and HIC Registration, save for the Exemptions from CSL set forth in 780 CMR, Chapter 1, Section 108, and any Exceptions for HIC Registration set forth in MGL c.142A, § 14 (see examples of such located further w/in this Table and discussed in “Notes to the Table”).
- 4 Installation of systems such as central heating systems, air-conditioning systems, and energy conservation devices (but not solid fuel-burning appliances) are usually provided by personnel not required to possess a CSL (see 780 CMR, Chapter 1, Section 108.3.5.2 Exemptions) - Note that a Building Permit would still be required where Energy Conservation requirements of the State Building Code are applicable and/or where firestopping and/or cutting/notching of structural elements may occur.  
Landscape structures such as a shed or other outbuilding ancillary to the residential use may require a CSL and Building Permit (780 CMR, Chapter 1, Section 110.3) and would also have to satisfy local zoning requirements.  
Retaining walls retaining 4 or more feet of unbalanced fill and fences that are greater than 6 feet in free height require a Building Permit (780 CMR, Chapter 1, Section 110.3).  
The use of certain types of combustible wall trim and finish and combustible floor finish are building permissible and require a building permit (780 CMR, Chapter 8, Sections 803 and 804 or Chapter 36, Section 3603.17).  
Flooring construction activities involving underlayment are building permissible.  
The installation of above-ground swimming pools does not require CSL or HIC Registration but any raised decks that serve such pools would require CSL (and HIC Registration for an existing 1 - 4 Family, owner-occupied residential building).  
HIC Registration for an existing, owner-occupied 1 to 4 family dwelling and a CSL is always required (save for cited exceptions/exemptions) for the construction of a raised deck.  
The installation of in-ground swimming pools is not exempt from HIC registration. For additional guidance regarding in-ground swimming pools, see note 6, below.  
The location of pools, like the location of ancillary outbuildings must satisfy local zoning requirements.  
HIC Registration is not required when such activities are specifically exempt from HIC Registration per MGL c.142A, § 17
- 5 The installation of solid fuel-burning appliances is not viewed as the “installation of energy conserving devices”.
- 6 In-ground swimming pools are to be engineered by a Massachusetts Registered Engineer to ensure that the in-ground pool will not collapse when unbalanced fill conditions exist before the pool is filled with water and/or any time the pool is drained; likewise a high ground water table can literally force an in-ground pool out of the soil as the in-ground pool can act much like a “boat” (see 780 CMR, Chapter 4, Section 421.5).  
The State Building Code, Section 421, requires swimming pools to be fenced or possess other enclosure protection to preclude accidental drowning of a child or other person.

ACTIVITY	CSL Required?	HIC Registration required?	Building Permit Required?
Constructing a new home	YES <sup>1</sup>	NO	YES
Constructing a new commercial building	YES, if less than 35000 cubic feet; NO, otherwise	NO	YES
Constructing a new addition to an existing 1 to 4 family, owner occupied residential building	YES <sup>2</sup>	YES	YES
Building permissible renovations <sup>3</sup> to an existing 1 to 4 family, owner occupied residential building	YES <sup>2</sup>	YES	YES
Installation of central heating systems	NO <sup>4</sup>	NO	NO/YES <sup>4</sup>
Installation of air-conditioning systems	NO <sup>4</sup>	NO	NO/YES <sup>4</sup>
Installation of energy-conservation devices <sup>5</sup>	NO <sup>4</sup>	NO	NO/YES <sup>4</sup>
Installation of roofing	NO <sup>3</sup>	YES	YES
Installation of siding	NO <sup>3</sup>	YES	YES
Conservation services provided by or on behalf of a Public Utility under a program approved by the Department of Telecommunications and Energy	NO <sup>4</sup>	NO	NO/YES <sup>4</sup>
Exclusively landscaping services	NO/YES <sup>4</sup>	NO	NO/YES <sup>4</sup>
Interior painting or wall covering <sup>4</sup>	NO/YES <sup>4</sup>	NO	NO/YES <sup>4</sup>
Exterior painting to an existing 1 to 4 family, owner occupied residential building	NO	YES	NO
Finished floor covering; e.g., carpeting, vinyl flooring, tile, etc.	NO/YES <sup>4</sup>	NO	NO/YES <sup>4</sup>
Fencing or free-standing masonry walls	NO/YES <sup>4</sup>	NO	NO/YES <sup>4</sup>
Replacement windows	NO	YES	YES
Above-ground swimming pools	NO <sup>4</sup>	NO	YES
In-ground swimming pools	NO <sup>6</sup>	YES	YES
Shutter or awning installation	NO <sup>4</sup>	NO	NO/YES <sup>4</sup>
Ground-level patios	NO	NO	NO
The practice of any trade licensed by agencies of the Commonwealth (e.g., Plumbing, Wiring, etc.)	NO	NO	NO/YES <sup>4</sup>
Home improvement contracts for work of \$500 or more dollars	-	YES	-
For home improvement contracts <sup>5</sup> of \$1000.00 or greater, a written contract is required by MGL c.142A	-	YES	-